

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Initially, the Department found her ineligible because the petitioner had not timely furnished a shelter expense statement. However, after the petitioner appealed, but before a hearing was held, the Department revised its decision based on subsequent information it obtained regarding the petitioner's shelter expenses.

3. The Department's revised decision found the petitioner eligible for Food Stamps as of the date of her application, December 13, 2007. However, the Department determined that the petitioner's countable income made her eligible only for the minimum payment of \$10 for December and January, and that the rules prevent a minimum payment in any month in which there is less than a full month of eligibility. Thus, the Department found the petitioner entitled to no Food Stamps for December 2007 and \$10 for January 2008.

4. As of February 2008 the Department found the petitioner eligible to receive \$162 a month in Food Stamps. This decision is not in dispute, although the factors that led to that decision are relevant to the determinations for December and January.

5. The Department has provided the following rationale for its decisions. For December and January, the first two months of eligibility, the Department determined the amount of the petitioner's Food Stamps based on information the petitioner eventually provided regarding her income and shelter expenses. The petitioner does not dispute the Department's determination that her net income for those months, after allowing for the maximum earned income and

standard deductions, was \$669. The petitioner also does not dispute that her housing costs those months consisted of her rent (including fuel and utilities) of \$500, and that this entitled her to a further shelter deduction of \$165 (i.e., the amount of her shelter costs that exceed 50 percent of her remaining income), leaving her with net countable income of \$504 for those months.

6. The petitioner also does not dispute that in February 2008 she applied and was found eligible for fuel assistance. This made her categorically eligible for a "standard" fuel and utilities deduction in addition to her rent. After applying this additional allowance to her shelter expense, the Department determined that her net income as of February 2008 was lowered to an amount that qualified her for Food Stamps in an amount of \$162 a month. As noted above, the petitioner does not dispute this determination.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all unearned income. All earnings from employment except those specifically

excluded are also counted. See Food Stamp Manual (F.S.M.) § 273.9(b).

Deductions from income are limited to those specifically itemized in the regulations. F.S.M. § 273.9(d). There is no dispute that the petitioner's actual shelter expenses, rent that includes fuel and utilities, are \$500 a month. Under the regulations, individuals who are eligible for fuel assistance can receive an additional "standard" fuel and utility deduction. F.S.M. § 273.9(d)(6)(ii). As noted above, the petitioner did not become eligible for fuel assistance until February 2008, and she was not eligible to receive the standard fuel and utility deduction until then. Thus, it appears that the Department correctly calculated her net income for December and January to be \$504.

Under the regulations the Food Stamp allotment for a household of one with \$504 in income is \$10. Procedures Manual § 2590E. The regulations also provide that individuals who are not eligible for an entire calendar month receive a prorated amount of Food Stamps for that month, but that there is no payment if the prorated amount is less than \$10. F.S.M. § 273.10(a)(1)(iii). As noted above the petitioner's eligibility began the date of her application, December 13, 2007. Thus, it appears that the Department was

correct to find the petitioner not eligible for any payment of Food Stamps in December 2007, and \$10 in January 2008.

Inasmuch as the Department's decision in this matter accurately reflects the petitioner's countable income and expenses as of December 2007, and was in accord with the applicable regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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